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Atty. Dkt. No. 075496-0157

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Schetky et al.

Title: EXPANDABLE TUBING AND
METHOD

Appl. No.: 10/806,509

Filing Date: 3/23/2004

Examiner: Neuder, William P.

Art Unit: 3672

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REQUEST TO RESTART PERIOD FOR RESPONSE

Pursuant to MPEP § 710.06, the Applicants respectfully request that the period for response to the Office Action dated September 14, 2005, be restarted for the following reason(s).

[] Cited reference missing or incomplete

[X] Office Action incomplete or defective

The Applicants submit that in the Office Action dated September 14, 2005, the Examiner did not base the objections, rejections, and notice of allowable subject matter contained therein on the present listing of claims, as most recently amended by the Preliminary Amendment filed March 23, 2004. The Office Action indicates that Claims 1-49 are pending in the Application, Claims 18-31 are allowed, Claims 1, 32, 36, 37, and 39-42 are rejected, and Claims 2-17, 33-35, 38, and 43-49 are objected to.

The Applicants note, however, that in the Preliminary Amendment, Claims 1, 3, 30-32, 34-35, 39, 41, and 43-49 were amended, and Claims 18-29, 33, 36-38, 40, and 42 were canceled. Accordingly, subsequent to the entry of the Preliminary Amendment, Claims 1-17, 30-32, 34, 35, 39, 41, and 43-49 remained and do remain pending in the Application. Applicants further note that the Office Action dated April 28, 2005, reflects the entry of the Preliminary Amendment and the corresponding amendments to the listing of claims.

The objections, rejections, and notice of allowable subject matter contained in the Office Action dated September 14, 2005 do not properly reflect the above amendments as having been made to the listing of claims. Accordingly, the Applicants submit that the Office Action dated September 14, 2005, is defective.

It is respectfully requested that a corrected copy of the aforementioned document be mailed to the Applicants, and that the period for response be restarted as of such mailing date.

Respectfully submitted,

Date December 14, 2005

By 

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